

VIA E-FILE

PATENT APPLICATION
Docket No. 16458.7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
	Gurleyen et al.)
)
Serial No.	10/580,297)Art Unit
		<i>Not yet assigned</i>
Filed:	May 19, 2006)
)
Confirmation No.	<i>Not yet assigned</i>)
)
For:	NETWORKS)
)
Examiner:	<i>Not yet assigned</i>)
)
Customer No.	022913)

DECLARATION OF ERIC L. MASCHOFF SUPPORTING PETITION FOR FILING BY
OTHER THAN ALL INVENTORS UNDER 37 CFR § 1.47(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The undersigned hereby submits this Declaration in support of Applicants' petition for filing by other than all the inventors under 37 C.F.R. § 1.47 (a).

I, Eric L. Maschoff, having personal knowledge of the facts set forth herein, or upon information and belief, hereby declare:

1. I am the Attorney of record in connection with the above-identified patent application.
2. I filed the above-identified patent application on May 19, 2006 at the request of Mr. Mark C. Foster of Mathisen, Macara & Co. and on behalf of Vodafone Group PLC.

3. The application is derived from International Patent Application No. PCT/GB2004/004711. The application was filed without a signed declaration by the inventors.
4. On May 30, 2006, I sent a reporting letter to Mr. Mark C. Foster of Mathisen, Macara & Co., European representative of Vodafone Group PLC in connection with the above-identified matter, informing Mr. Foster of the filing of the application and also forwarding Combined Declaration and Power of Attorney documents for signature by each of the named inventors.
5. Dr. David Keston, another European Patent Attorney employed by Vodafone Group Services Ltd., and responsible for patent applications for the assignee, Vodafone Group PLC, including the above-identified patent application, informed me that one of the inventors – Pubudu Chandrasiri – was no longer employed by Vodafone when the U.S. application was filed on May 19, 2006 (see Exhibit A – unsigned declaration by David Keston, and documents attached thereto).
6. Dr. Keston informed me that he forwarded the Declaration to Mr. Chandrasiri on November 14, 2006 at his last known home address and did not receive any reply or indication that Mr. Chandrasiri was still at that address. (see Exhibit A – unsigned declaration by David Keston, and documents attached thereto).
8. On March 27, 2007 I received a Notification of Missing Requirements Under 35 U.S.C. 371 dated March 21, 2007 requesting a signed Declaration by the inventors.
9. On March 29, 2007 I forwarded the Notification of Missing Requirements, as well as Combined Declaration and Power of Attorney documents for signature by each of the named inventors, to Mr. Mark C. Foster of Mathisen, Macara & Co.
10. Reminder letters regarding the need to obtain signed declarations were sent out on June 4, June 22 and July 16, 2007.
11. Dr. Keston informed me that he utilized online searching in an attempt to locate new home addresses, and that was able to locate a possible email address for Mr. Chandrasiri via the networking service known as “LinkedIn.” (see Exhibit A – unsigned declaration by David Keston, and documents attached thereto).

13. Dr. Keston informed me that he again forwarded the Declaration to Mr. Chandrasiri on July 12, 2007 at a possible new home address. He did not receive any reply or indication that Mr. Chandrasiri was still at that address. (see Exhibit A – unsigned declaration by David Keston, and documents attached thereto).
11. On September 4, 2007, I received yet another letter from Mr. Foster informing me that Declaration documents had been sent to the inventors at the inventors' last known addresses, but that the documents had not been returned (see Exhibit B).

CONCLUSION

Applicants' attorney of record believes the above-listed facts demonstrate that a bona fida attempt was made to present a copy of the application papers to the non-signing inventor (Pubudu Chandrasiri) for signature. Accordingly, Applicants' attorney of record requests that this patent application be accepted by the United States Patent and Trademark Office without the signatures of the co-inventor who cannot be located and/or refuses to sign the application.

Dated this 22nd day of October, 2007.

Respectfully submitted,



ERIC L. MASCHOFF

Attorney for Applicant

Registration No.: 36,596

EXHIBIT A

VIA E-FILE

PATENT APPLICATION
Docket No.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
	Gurleyen et al)
)
Serial No.	10/580,297)Art Unit
		<i>Not yet assigned</i>
Filed:	May 19, 2006)
)
Confirmation No.	<i>Not yet assigned</i>)
)
For:	NETWORKS)
)
Examiner:	<i>Not yet assigned</i>)
)
Customer No.	022913)

DECLARATION OF DAVID KESTON SUPPORTING PETITION FOR FILING BY OTHER
THAN ALL INVENTORS UNDER 37 CFR § 1.47(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The undersigned hereby submits this Declaration in support of Applicants' petition for filing by other than all the inventors under 37 C.F.R. § 1.47 (a).

I, David Keston, having personal knowledge of the facts set forth herein, or upon information and belief, hereby declare:

1. I am a European Patent Attorney employed by Vodafone Group Services Limited and I am responsible for patent applications for the assignee, Vodafone Group Plc, including the above-identified patent application.
2. U.S. Patent Application Serial No. 10/580,297 is derived from International Patent Application No. PCT/GB2004/004711 and is referred to by Vodafone as the "PSD Hub" patent application.

3. The inventor, Pubudu Chandrasiri, was no longer employed by Vodafone when the U.S. patent application was filed.
4. While employed by Vodafone, the inventor reviewed the patent application and approved its contents.
5. I sent the Declaration, Power of Attorney and Petition forms to the inventor at his last known home address on 14th November 2006 (see Exhibit A).
6. I found a possible alternative address for the inventor through the networking service LinkedIn. On 12th July 2007 I sent the Declaration, Power of Attorney and Petition documents to be signed to the inventor (see Exhibit B). This letter was also emailed to the inventor (see Exhibit C).
7. Despite my attempts to contact the inventor, and to obtain the inventor's signature, I have not received any reply from the inventor.

CONCLUSION

I believe the above-listed facts demonstrate that a bona fide attempt was made to present a copy of the application papers to the non-signing inventor (Pubudu Chandrasiri) for signature. Accordingly, I request that this patent application be accepted by the United States Patent and Trademark Office without the signatures of the co-inventor who is unavailable to sign the application.

Dated this day of October, 2007.

Respectfully submitted,

David Keston
European Patent Attorney

14 November 2006

C3 PRIVATE & CONFIDENTIAL

Pubudu Chandrasiri
17 Hollerith Rise
Bracknell
BERKS
RG12 7GJ
United Kingdom

Our ref: P-GB-000087.WO/dk
& P-GB-000103.WO/dk
Direct line: +44 (0) 1635 664282
Direct fax: +44 (0) 1635 580857
Mobile: +44 (0) 7768 598009

Dear Pubudu

US National Phase Patent Application derived from International Patent Application No. PCT/GB2004/004703 "PSD Gateway" &

US National Phase Patent Application derived from International Patent Application No. PCT/GB2004/004711 "PSD Hub"

You will be aware that the Vodafone Patent Team is processing a number of patent applications relating to the PSD project, to which you contributed.

I write with regards two of these applications – entitled "PSD Gateway" and "PSD Hub". The international patent applications (published respectively as WO2005053266 and WO2005053273) have recently entered national phase in the USA.

In accordance with US legal practice, it was necessary to identify each of the inventors as the original applicants for the international patent application. Ericsson and Vodafone Group plc jointly remain the legal owners of these applications. To ensure that the USPTO correctly records the legal ownership of the US national phase application, we now seek an assignment from each of the inventors (including you) to Vodafone Group plc and Ericsson.

In addition, since we wish to appoint Eric Maschoff of Workman Nydegger as attorney before the US patent office (USPTO) handling these two US national phase applications, a suitable declaration must be executed.

Please, therefore, find attached a "Combined Declaration and Power of Attorney" and an "Assignment" document. These are the appropriate documents for facilitating the transfer of rights and appointment of a US attorney. I would be grateful if you could review and sign these documents (at the positions marked by Post-It tabs), returning them to me at the earliest opportunity, so that I can complete the outstanding formalities. I have enclosed a stamped addressed envelope for this purpose.

Vodafone Group Services Limited

Vodafone Group Legal
Vodafone House, The Connection, Newbury, Berkshire RG14 2FN, England
Telephone: +44 (0)1635 33251, Facsimile: +44 (0)1635 580857

If you have any queries, please do not hesitate to contact me to discuss the issue.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D Keston', with a stylized, cursive script.

David Keston
Patent Attorney
E-mail: david.keston@vodafone.com

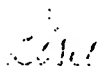
Stevens, Caroline, VF-Group (Legal)

From: Hayward, Lisa, VF-UK, Partner [Lisa.Hayward@gb.vodafone.co.uk]
Sent: 14 November 2006 17:08
To: Stevens, Caroline, VF-Group (Legal)
Subject: RE: Recorded Delivery Tracker Number

Hi

Your Special Delivery Tracking Numbers are ZH 557665134 GB & ZH 557665148 GB

Regards



Lisa Hayward

HQ Mail Room @ Vodafone
c/o TNT Managed Services

Tel No. (01635) 674667
Fax No. (01635) 674100
Email: hqmailroom@vodafone.com
lisa.hayward@gb.vodafone.co.uk

Courier forms: http://finweb/p2p/cat_couriers_order.htm

Tracking numbers for
Recorded delivery letters



12 July 2007

C3 PRIVATE & CONFIDENTIAL

Pubudu Chandrasiri
176 Winterthur Way
Basingstoke
Hampshire
RG21 7UE

Our ref: P000087-US/dk
& P000103-US/dk
Direct line: +44 (0) 1635 664282
Direct fax: +44 (0) 1635 580857
Mobile: +44 (0) 7768 598009

Dear Pubudu

US National Phase Patent Application derived from International Patent Application No. PCT/GB2004/004703 "PSD Gateway" &

US National Phase Patent Application derived from International Patent Application No. PCT/GB2004/004711 "PSD Hub"

You will be aware that the Vodafone Patent Team is processing a number of patent applications relating to the PSD project, to which you contributed.

I write with regards two of these applications – entitled "PSD Gateway" and "PSD Hub". The international patent applications (published respectively as WO2005053266 and WO2005053273) have recently entered national phase in the USA.

In accordance with US legal practice, it was necessary to identify each of the inventors as the original applicants for the international patent application. Ericsson and Vodafone Group plc jointly remain the legal owners of these applications. To ensure that the USPTO correctly records the legal ownership of the US national phase application, we now seek an assignment from each of the inventors (including you) to Vodafone Group plc and Ericsson.

In addition, since we wish to appoint Eric Maschoff of Workman Nydegger as attorney before the US patent office (USPTO) handling these two US national phase applications, a suitable declaration must be executed.

Please, therefore, find attached a "Combined Declaration and Power of Attorney" and an "Assignment" document. These are the appropriate documents for facilitating the transfer of rights and appointment of a US attorney. I would be grateful if you could review and sign these documents (at the positions marked by Post-It tabs), returning them to me at the earliest opportunity, so that I can complete the outstanding formalities. I have enclosed a stamped addressed envelope for this purpose.

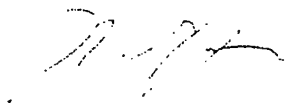
Vodafone Group Services Limited

Vodafone Group Legal
Vodafone House, The Connection, Newbury Berkshire RG14 2FN, England
Telephone: +44 (0)1635 33251, Facsimile: +44 (0)1635 580857

Registered Office: Vodafone House, The Connection, Newbury, Berkshire RG14 2FN, England. Registered in England No. 3802001

If you have any queries, please do not hesitate to contact me to discuss the issue.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D. Keston', with a stylized flourish at the end.

David Keston
Patent Attorney
E-mail: david.keston@vodafone.com

Ex C

Mark Foster

From: Keston, David, VF-Group [David.Keston@vodafone.com]
Sent: 12 July 2007 13:07
To: pubudu.chandrasiri@yahoo.com
Subject: Your Patent applications in US: "PSD Gateway" & "PSD Hub"

Dear Pubudu,

Thanks for sending me your details - I enclose a copy of a letter that went to your old address. Could you please sign and date the document at the marked positions then return them to me in the enclosed envelope. As your address is incorrect on these sheets can I ask you to strike out the incorrect text then add the correct details. If you have scanning facilities It would greatly assist if you could send the completed documents to me electronically as well as physically.

<<P000087 & P000103 Pubudu Letter.pdf>>

Also, I wonder whether you can help me trace another inventor on the "PSD Gateway" case: Yashar Shahabi. The last address I have for him is in Chiswick in London - the couriered letter returned "recipient unknown". Do you still keep in touch with Yashar?

Best Regards

Dr David Keston
Patent Attorney
Vodafone Group Legal

Tel: +44 (0) 1635 664282
Fax: +44 (0) 1635 580857
Mobile: +44 (0) 7768 598009

E-mail: david.keston@vodafone.com

Vodafone Group Services Limited

Registered Office: Vodafone House, The Connection, Newbury, Berkshire RG14 2FN Registered in England No 3802001

18/10/2007

EXHIBIT B

4th September 2007

Eric L. Maschoff Esq.,
Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City
Utah 84111
U.S.A.

CONFIRMATION

DOCKETED

Atty MAS File # —
By RMH On 9/12/07
Action —
Response Due —

Your ref: 16458.7

Our ref: 6/CW/F40095US

Dear Eric,

U.S. Patent Application No. 10/580,297
VODAFONE GROUP PLC
Case Code: PSD HUB

We are having difficulty in obtaining the signature on the Declaration and Assignment documents from one or two of the inventors because the inventors are no longer employed by Vodafone. The forms have been sent to the inventors at their last known address but have not been returned.

Would you please send us a draft "outline" Declaration suitable for filing at the U.S. Patent Office that would excuse the signature of the inventors. We can then complete the Declaration by stating the efforts taken to contact the inventors. I will forward you the draft Declaration, for your review, and can then arrange for it to be signed when it is finalised.

Thank you for your assistance.

Yours sincerely,
For MATHISEN, MACARA & CO.



MARK C. FOSTER

Stephen G. Knott B.Sc.(Eng.), M.I.T.M.A., C.P.A., E.P.A., R.T.M.A.
Mark W. Bibby B.Sc.(Phys.), Ph.D., C.P.A., E.P.A., R.T.M.A.
Nicola O'Connor B.A.(Hons.), M.I.T.M.A., R.T.M.A.
Mark C. Foster B.Sc.(Elec.Sys.Eng.), C.P.A., E.P.A.
Andrew P. Hartley B.Sc.(Biochem.), Ph.D., C.P.A., E.P.A.

David M Goodwin
Pippa H. Tolfts B.Sc.(Chem. & Math.), Ph.D. C.P.A., E.P.A.

Consultant:
David M. Foster B.Sc.(Eng.), LLB., M.I.E.E., C.Eng., C.P.A., E.P.A., R.T.M.A.
Registered in England No. 1188971
Registered Office: As above.